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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA) CR. NO. S-99-433-WBS
)
Plaintiff,) GOVERNMENT'S REQUEST FOR
) ADDITIONAL TIME TO FILE ITS
v.) OPPOSITION TO DEFENDANT JOHN THAT
) LUONG'S MOTION TO DISMISS RE:
JOHN THAT LUONG, et al.,) PINKERTON THEORY AND HOBBS ACT,
) AND MOTION TO DISMISS THE
Defendants.) INDICTMENT
_____)

The United States of America, through its counsels of record, Benjamin B. Wagner, United States Attorney for the Eastern District of California, and William S. Wong, Assistant United States Attorney, hereby submits this request for additional time to file its opposition to defendant John That Luong's motion to dismiss re: Pinkerton Theory and Hobbs Act, and motion to dismiss the indictment.

On December 3, 2009, this Court issued an order for the government to file its opposition to defendant John That Luong's motion to dismiss the indictment (Ct. dkt. 1348) and motion to dismiss re: Pinkerton Theory/Hobbs Act (Ct. dkt. 1353) on or before December 21, 2009.

Counsel for the government respectfully requests additional time to December 31, 2009, to file its opposition to the aforesaid motions filed by the defendant John That Luong. The reason for the additional time is that government counsel was ill and unable to work during most of the week of December 7 (counsel was out of the office December 8-11) and has not had sufficient time to adequately research and respond to the defendant's motions.

The defendant's sentencing date is presently set for January 19, 2010. The government can have its opposition filed by December 31, 2009. The defendant's reply, if any, could be filed by January 8, 2010, and the hearing on the motions could be heard at the time of sentencing on January 19, 2010.

Respectfully submitted,

BENJAMIN B. WAGNER
United States Attorney


DATED: December 18, 2009

By: /s/ William S. Wong
WILLIAM S. WONG
Assistant U.S. Attorney

ORDER

For the foregoing reasons and good cause having been shown, the government's opposition are now due on December 31, 2009. The defendant's reply, if any, is ordered to be filed on January 8, 2010. The motions will then be taken under submission, unless the court by separate order requests oral argument.

DATED: December 20, 2009


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE